

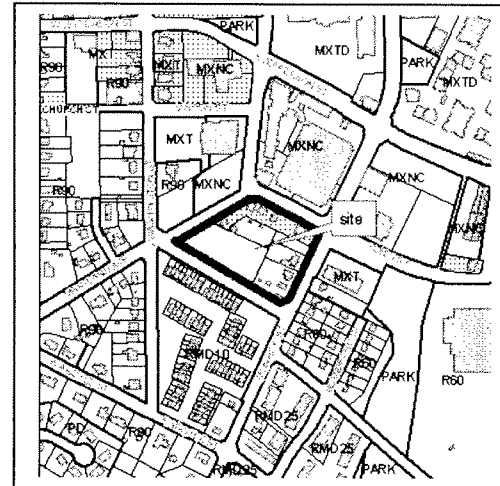
**CITY OF ROCKVILLE  
COMMUNITY PLANNING & DEVELOPMENT SERVICES DEPARTMENT  
STAFF REPORT**

**TO:** Planning Commission

**FROM:** Jim Wasilak, AICP, Chief of Planning  
Bobby Ray, AICP, Principal Planner

**PROJECT MANAGER:** Cas Chasten, Planner III

**PLANNING COMMISSION MEETING DATE:**  
July 28, 2010



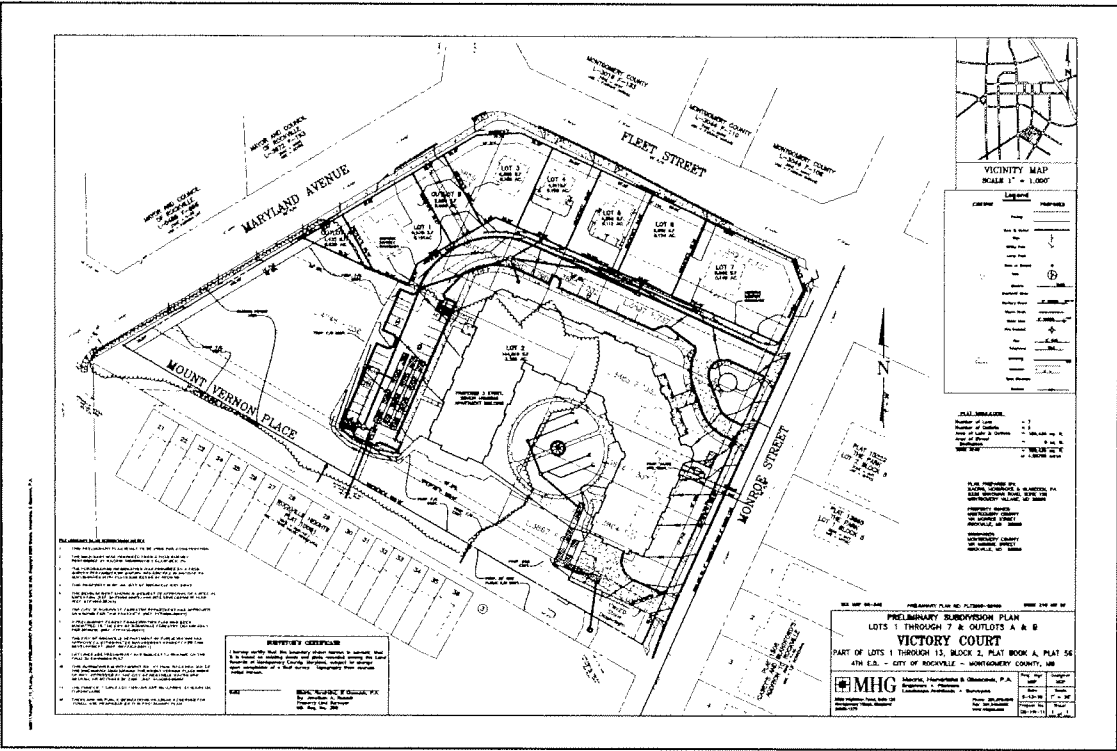
**SUBJECT:** Preliminary Subdivision Plan PLT2009-00498 – For approval of the re-subdivision of Block 2 of the Rockville Heights subdivision into 7 lots and 2 outlots in the MXT Zone, for property bounded by Maryland Avenue, Fleet Street, and Monroe Street and the abandoned right-of-way for Mount Vernon Place.

---

**RECOMMENDATION:** That the Planning Commission approve, subject to the recommended conditions, preliminary subdivision plan PLT2009-00498, a proposal to resubdivide several properties as shown on Exhibit 1.

**REQUEST:** In accordance with Section 25.21.09 of the Zoning Ordinance the applicant seeks approval to consolidate and subdivide County-owned properties that comprise approximately 4.26 acres (185,435 sq. ft.) of land. The proposal includes the creation of lots for five existing residences to be retained, one lot undeveloped, two out lots, and the lot on which the proposed Victory Court will be developed. Also included in this proposed plan of subdivision, is the incorporation of approximately 18,036 square feet of land obtained via the abandonment of the Mount Vernon Place (unimproved) public right-of-way located along the site's southern tract boundary (Ref. SCA2006-00097).

Section 25.03.02 of the Zoning Ordinance defines subdivisions as follows: "The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land or assemblage of land for the purpose, whether immediate or future, of sale or of building development. Subdivision includes re-subdivision and, when appropriate to the context, relates to the process of re-subdividing. Subdivision may also refer to the land or territory subdivided."



**Proposed Preliminary Subdivision Plan  
PLT2009-00498**

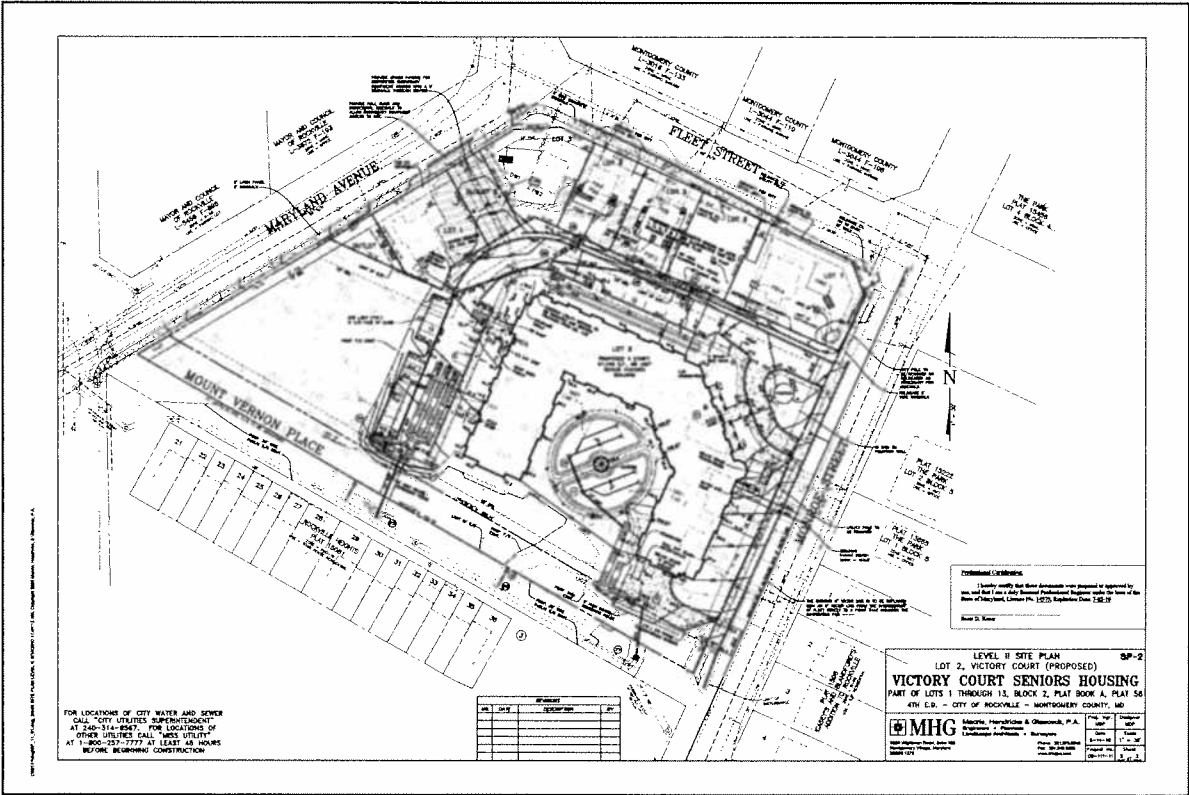
**BACKGROUND INFORMATION:**

On June 4, 2009, the law firm of Miller, Miller, and Canby, on behalf of Victory Housing, Inc. (referred herein as the applicant), submitted Special Exception Application (SPX2009-00378) in accordance with Section 25.13.03 and 25.15.01 of the Zoning Ordinance. Shortly thereafter, on June 9, 2009, the applicant submitted the subject preliminary subdivision plan, reflecting the land use proposal subject to SPX2009-00378.

The property owner (Montgomery County) has entered into an Option to Lease agreement with Victory Housing, Inc. (VHI) to develop the County-owned properties that are the subject of this preliminary subdivision proposal, for use and operation of an (86 unit) apartment building/senior housing facility for independent elderly residents. Three (3) full-time employees will staff the multifamily building. As noted, the proposal includes the creation of lots for five existing residences to be retained, one lot

undeveloped, two out lots, and the lot on which the proposed Victory Court will be developed. The site is zoned as Mixed Use Transition (MXT).

At it's meeting on January 9, 2010, the City of Rockville Board of Appeals voted to adopt a written decision formally approving Special Exception SPX2009-00378 subject to certain conditions. A technical error was discovered prior to mailing the original Decision to all interested parties. Thus, the Board of Appeals adopted an Amended Decision on January 19, 2010 (See Attachment A).



**Proposed Site Development Plan**

On February 24, 2010 the applicant formally filed Site Plan Application STP2010-00034, in order to implement previously approved SPX2009-00378 as required by the Zoning Ordinance.

**PROJECT/SITE INFORMATION:**

Location: 209 Monroe Street, Rockville, Maryland 20850  
Applicant: Victory Housing Inc.  
Land Use  
Designation: Preferred Residential – Single Family Attached  
Zoning District: MXT, Mixed Use Transition  
Planning Area: Planning Area 1 (Town Center)  
Parcel Area: 4.26 acres (185,435 square feet)  
Proposed Lots: Lot #1 = 6,578 square feet  
Lot #2 = 3.3 acres (144,016 square feet)  
Lot #3 = 6,525 square feet  
Lot #4 = 4,611 square feet  
Lot #5 = 4,869 square feet  
Lot #6 = 5,819 square feet  
Lot #7 = 9, 502 square feet  
Out Lot A = 1,433 square feet  
Out Lot B = 2,880 square feet

**PROPERTY DESCRIPTION:**

The project site is bordered by Maryland Avenue on the west, Fleet Street on the north, Monroe Street on the east, and an unimproved street (known as Mount Vernon Place) running between Maryland Avenue and Monroe Street on the south. The site is bounded on the west and north by City and County governmental land uses, to the east by office, institutional, and single family detached residential land uses, and to the south by attached single family dwelling units, i.e., known as the Courthouse Walk townhouse development.

The site contains all of Block 2 of the Rockville Heights subdivision, owned by Montgomery County Government. The properties that will be referred to in this staff report as the subject site, collectively total 4.26 acres (185,435 square feet) and are zoned for Mixed Use Transition (MXT) land usage. The block had been divided by deed over the years prior to construction of the existing structures on site. There are five houses currently located on the subject site which makeup the Rockville Heights Historic District, four (4) that front Fleet Street and the other one (1) fronting onto Maryland Avenue. The site also contains four other houses that front Monroe Street which are not located within the historic district.

In addition to the noted dwelling/building structures that are located on the subject site, the 4.25-acre site contains approximately 1.73 acres of forest. The site’s topography ranges from relatively flat to gradual and pronounced sloping. The surface grades however, in and around the dwellings located along Monroe Street, Fleet Street, and the one on Maryland Avenue are relatively flat. The site surface grades located along all street frontages are somewhat higher than those that make up the overall site. As noted, the site contains an array of mature trees, shrubs, and hedges, flowering and non-flowering plantings, all ranging in species and size.

Surrounding Land Use and Zoning			
Location	Zoning	Planned Land Use	Existing Use
North	MXNC	Public & Institutional	County Governmental Offices
South	RMD-10	Preferred Residential – Single Family Attached	Townhouses/Single Unit Attached Dwellings
East	MXT & R-60	Preferred Office & Preferred Residential	Professional Office, and Single Unit Detached Dwellings
West	R-90	Public & Institutional Preferred Residential	City Governmental Office, Single Unit Detached Dwellings

On October 26, 2009 the Mayor and Council adopted Ordinance No. 30-09, granting Street Closing and Abandonment Application SCA2006-00097. The property owner (Montgomery County) in conjunction with the applicant requested the abandonment of the above noted unimproved Mount Vernon Place right-of-way, in order to obtain half of the land area contained in the right-of-way. With the abandonment of the right-of-way, approximately 18,036 square feet of the former 36,914 square foot unimproved right-of-way will be incorporated into the overall properties subject to the applicant’s site plan proposal.

#### Aerial Overview of Site



Because the project site is made up of a collection of deeded parcels, the applicant was required to file a preliminary subdivision plan PLT2009-00498 in order to redevelop the site as proposed. Following this preliminary subdivision application plan, a final record plat application is required to be filed and approved in order to develop the site as proposed.

#### PREVIOUS RELATED ACTION:

- **December 20, 2005: Residential Townhouse Initial Application RTH2005-00020**, Montgomery County Government – a proposal to construct 44 townhouses on the subject 3.85 acre parcel (then) located in the R-90 (Single Family Detached, Restricted Residential) Zone. The application was file on

December 20, 2005 but was not fully processed due to the denial of a related Text Amendment.

- **June 9, 2009: Preliminary Subdivision Plan Application PLT2009-00498,** Victory Housing Inc. – a proposal to consolidate several deeded and recorded properties owned by Montgomery County Government in order to create seven new record lots. The Application was filed on June 9, 2009. *(Pending review and action by the Planning Commission)*
- **July 16, 2009: Historic District Commission Application HDC2010-00473** - a courtesy review of pending Preliminary Subdivision Plan PLT 2009-00498 and Special Exception SPX2009-00378. On July 16, 2009, the Commission voted to recommend PLT2009-00498 and SPX2009-00378 be approved by the Planning Commission and Board of Appeals respectively, subject to certain conditions.
- **August 12, 2009: Special Exception SPX2009-00378, Victory Housing Inc. -** Planning Commission reviewed the referenced special exception, a request to redevelop the property for use and operation of a senior housing facility for independent elderly residents. The Commission voted unanimously to recommend that the use be approved subject to the conditions as referenced in the staff report dated August 4, 2009, and further made the following recommendation to the Board of Appeals: 1) that Rockville residents be given preference as tenants of the proposed senior housing complex; 2) that staff clarify site, height, and layback measurements; and 3) how much on-site parking be considered.
- **October 26, 2009: Application to Close and Abandon Public Right-of-Way SCA2006-00097** – a request for the permanent closure and abandonment of public right-of-way, an unimproved street running between Maryland Avenue and Monroe Street, north of Block 3 in the Rockville Heights subdivision and dedicated per Plat No. 56. The Mayor and Council adopted the ordinance of abandonment on October 26, 2009.
- **January 19, 2010: Special Exception Application SPX2009-00378,** Victory Housing Inc. – a request to redevelop the applicant property for use and operation of a senior housing facility/apartment building for independent elderly residents and five single unit detached dwellings. The Board of Appeals voted to

approve the special exception on January 9, 2010 and later amended its approval decision to correct a technical error on January 19, 2010.

- **May 20, 2010: Historic District Commission Application HDC2010-00496A,** Rockville Heights Historic District, a review of Preliminary Subdivision Plan PLT2009-00498 and Site Plan STP2010-00034. The Commission review of the plans was related to the historic lots and voted as follows: a) recommends approval of PLT2009-00498 with respect to the delineation of individual lots; and b) recommends approval of STP2010-00034 landscape plans for plantings within the historic district, removal of the shared-use path entirely from the historic district. The Historic Commission's review and action occurred on May 20, 2010.
- **June 23, 2010: Site Plan Application STP2010-00034, Victory Housing Inc.** – a proposal to develop the subject property located at 209 Monroe Street for use and operation of a (86-unit) senior housing apartment building for independent elderly residents. The Application was filed on February 24, 2010 and approved by the Planning Commission on June 23, 2010, subject to certain conditions.

#### **ANAYLSIS:**

Under the proposed subdivision there will be a total of seven (7) lots and two (2) out lots created. Lots 1, 3, 4, 5, 6, and 7 are all located within the Rockville Heights Historic District and all except Lot 6 are improved with single-family detached dwellings. The proposed two Out lots A and B are also located with the historic district. As shown on the proposed preliminary subdivision plan (Exhibit 1), proposed Lot #2 is the lot that is proposed for senior housing.

The single family residential lots located within the site's historic district must have driveways that can accommodate two vehicles. Staff has recommended that the driveways located on Lots 1 and 7 be replaced and reconstructed prior to the issuance of occupancy permits for the planned apartment building. In the event that occupancy of one or more of the individual single family lots is sought prior to the occupancy of the senior housing facility which will be located on Lot 2, then DPW will only require improvements applicable to the lot prior to the occupancy of the said single lot. DPW may modify the improvements so that they can be implemented on a single lot basis. Also, the applicant must ensure that all proposed lots located within the historic district



fully comply with the ten (10) foot side yard setback requirement for the MXT Zone and that existing driveways located on Lots 3, 4, and 5 are a minimum of ten feet in width.

#### **Aerial Overview of Subject Site**



The preliminary subdivision plan as submitted, contains all of the detailed information and elements as required by Section 25.21.08 of the Zoning Ordinance, which are applicable to submission requirements for preliminary subdivision plans.

#### **RECOMMENDED CONDITIONS:**

1. Proposed site development must be implemented in accordance with previously approved Special Exception SPX2009-00378 and all conditions of approval as imposed by the Board of Appeals in its decision of Approval of January 19, 2010.

2. Proposed site development must be implemented in substantial accordance with site development and building plans submitted by Macris, Hendricks & Glascock, P.A. and Grimm Parker Architects respectively.
3. The applicant must submit to the Chief of Planning nine (9) copies of the preliminary subdivision plans revised to illustrate that all of the following concerns have been satisfactorily addressed:
  - a. Shift/move the proposed side yard lot line located between Lots 3 & 4 to ensure that the dwelling located on Lot 4 is set back from its western side yard lot line a minimum of 10 feet.
  - b. Shift/move the proposed side yard lot line located between Lots 4 & 5 to ensure that both lots can accommodate a ten-foot wide driveway.
  - c. All of the dwellings located within the site's historic district must have on site driveways designed to accommodate two vehicles. All driveways must be a minimum of ten feet in width.
  - d. New driveways must be provided for both Lots 1 and 7. The new driveway located on Lot 1 must be designed and constructed with an onsite turnaround feature.
4. The Department of Public Works (DPW) requires the following information be provided and/or action taken:
  - a. In accordance with previously approved Site Plan STP2010-00027, the applicant shall build new sidewalks along Maryland Avenue and Fleet and Monroe Streets, constructed and installed per the City Code requirements prior to issuance of an occupancy permit for the Victory Court apartment building.
  - b. The proposed storm drain and stormwater management easement locations shall be consistent with the detailed engineering plans.
5. The City Forester requires the following:

- a. The Forest Conservation Easement should reflect revisions to the Forest Conservation Plan for storm drain connection/s and building construction.

**REQUIRED FINDINGS:**

In accordance with Section 25.21.09.f. of the Zoning Ordinance, a preliminary subdivision plan will be approved if the Planning Commission finds that the proposed subdivision will not:

**Constitute a violation of any provision of the Zoning Ordinance or other applicable law; or**

The preliminary subdivision plan was submitted in accordance with previously approved SPX2009-00378 and Site Plan STP2010-00034. Per the plan as submitted, and modified per the recommended conditions of approval, the application is not in violation of any provision of the Zoning Ordinance or other applicable law. Staff finds that the proposed lots will meet all relevant development standards.

**Violate or adversely affect the Master Plan;**

It was the determination of the Board of Appeals in its granting of SPX2009-00378 that the proposed use of the subject property for elderly housing was and is consistent with the intent of the Master Plan's land use designation of the site, for "preferred residential-single family attached" land usage. Thus, the creation of the lots to develop the property consistent with previously approved SPX2009-00378 does not violate or adversely affect the Master Plan. It is important to note that the MXT Zone in which the subject property is located implemented the Master Plan, and authorizes Senior Housing as a special exception use.

As noted, the subdivision plan is submitted in accordance with the previously approved special exception and previously approved site plan. In accordance with Section 25.13.02 of the Zoning Ordinance, the MXT Zone is "intended for areas that are located between moderate or high-density development and single unit detached residential neighborhoods." Per the Ordinance, land uses that are permitted by right and/or by special exception in the MXT Zone have been deemed by the approving authority to be transitional land uses that are allowed to be located between single family residential detached and attached dwellings, office, institutional and other

limited commercial land uses. Under the proposed subdivision, there will be single-family detached residential units as well as multi-family housing, both allowed by the Ordinance and envisioned by the Master Plan at the subject site location.

**Overburden existing public services, including but not limited to water, sanitary sewer, public roads, storm drainage, and other public improvements.**

As noted in the staff report for Site Plan STP2010-00034, the Adequate Public Facilities Ordinance (APFO) tests the capacity of public facilities, based on current and projected data available when the site plan was processed and ultimately approved by the Planning Commission on June 23, 2010. Once a development project is approved, capacity of public facilities required by that project is reserved, provided the project remains on its service commitment, as determined at the time of project approval. In the subject case, the proposed subdivision is consistent with previously approved STP2010-0004.

The apartment building for independent seniors, which will be located on Lot 2, coupled with the five existing single unit detached dwellings, located on Lots 1, 3, 4, 5, and 7 will not overburden water and sewer services, storm drain infrastructure, or public roads/streets within the subject site area. Final adequacy check for water and sewer service may still be required.

In accordance with Article 20 and the APFO standards of the Zoning Ordinance, Housing for the Elderly and Physically Handicapped, falls in the class of uses eligible for a waiver from the APFO requirements. Under previously approved SPX2009-00378, the applicant requested the Board of Appeals waive any requirements pertaining to APFO with regard to public school capacity, since no children will reside at the proposed senior housing facility.

The five dwellings to be retained have existed for many years and are not subject to the school capacity tests. However, if a new single-family detached dwelling is requested to be built on Lot 6 the applicant would have to amend the previously approved site plan and would be required to meet the school test based on school capacity at the time of the site plan amendment.

Said site use is not exempt from the adequacy check for water and sewer services. Thus, at the site plan review stage, the Department of Public Works (DPW) determined

that the applicant will be required to upgrade the water main in Monroe Street between the two existing 8-inch mains at Fleet Street and the Courthouse Walk townhouse community. The subject properties (i.e., the lots that comprise the proposed subdivision) and the improvements located thereon, would be served from this upgraded water main in Monroe Street. With these noted improvements and/or upgrades the proposed site uses will not overburden said public facilities within the site area.

With regard to impacts the proposed subdivision might have on site area roadways, a traffic impact statement was submitted at both the special exception and site plan review stages, in accordance with the City's Comprehensive Transportation Review (CTR) analysis for new and existing land uses located on the respective lots. The CTR focuses on auto, transit, pedestrian, and bicycle levels of service, as well on Transportation Demand Management (TDM) programs. The purpose of the CTR process is to ensure that adequate transportation facilities exist during and after a development project.

The proposed single-family detached and multi-family uses that will be located on the lots being created by the proposed preliminary subdivision will not generate greater than thirty (30) peak hour vehicle trips. The Comprehensive Transportation Review (CTR) Methodology, Section II.C, Table 3, requires that if the uses will not generate greater than 30 peak hour trips, a full Transportation Report is not required.

Based on all available information, staff finds the proposed subdivision to be consistent with the site uses and layout approved under STP2010-00034. The proposed preliminary subdivision plan and use located thereon will not overburden existing public services, including but not limited to water, sanitary sewer, public roads, storm drainage and other public improvements. The transportation report, which the applicant was required to do per the CTR process, indicated that the project would not substantively alter or change vehicular traffic flow movements in and around the site area.

**Adversely affect the health or safety of persons residing or working in the subdivision or neighborhood;**

In accordance with the information provided, the proposed consolidation and re-subdivision of the properties, will not adversely affect the health and safety of residents

in the area. Under the subdivision proposal, the applicant will be required to install new sidewalks along all of the site's street frontage in accordance with City Code requirements, thus ensuring safe pedestrian access around the site's perimeter. The new sidewalks will be designed with vehicular entrances to the respective lots in adherence to requirements of the Americans with Disabilities Act (ADA).

The proposed "out lot B" being created under the proposed subdivision plan is designed to allow emergency vehicles access to the site via Maryland Avenue in the event of fire. Adequate emergency access to the site via both Maryland Avenue and Monroe Street are deemed to be important not only to subject site uses, but also to the abutting uses, so as to allow for containment of a major fire or emergency event that might occur within the proposed subdivision and project site area.

In accordance with the site plan approved under STP2010-00034, the subject preliminary subdivision plan clearly denotes the location of all proposed site entrances to the lots proposed, as well as onsite parking facilities. The site entrances located along the site's frontages on Monroe and Fleet Street, as well as Maryland Avenue have been located and designed allow safe ingress and egress from the site, so as not to impede vehicular traffic traveling along those streets. The applicant has affirmed that a facility of the size proposed for Victory Court, would employ three (3) full time staff members on site. Staffing is anticipated to include, one full-time property manager, one part-time assistant manger, one full time maintenance supervisor, and one-part time janitor.

Based on all available information, there is no evidence that the uses, which will be located on the lots proposed under the subdivision plan, will affect the health and safety of persons residing or working in the subdivision. Also, staff has found no evidence that the uses located on the lots being created under the proposed subdivision plan will produce or emit any toxic fumes or gases, objectionable levels of noise, impede sunlight or the natural flow of air within the subject site area.

It should be noted that the previously approved special exception and site plan authorize the five (5) remaining historic buildings to be used as single unit detached dwellings. As such, any other uses are considered noncompliant and further occupancy must comply with fire and building code requirements.

**Be detrimental to the public welfare or injurious to property or improvements in the neighborhood;**

The lots being created are consistent with the project site plan which has been referenced throughout this staff report and as such reflect the placement of building structures and other associated site improvements. It is also important to note that the subdivision plan, the proposed lot configurations, and general site layout is consistent with the proposed forest conservation plans submitted with previously approved STP2010-00034. As illustrated on the site's forest conservation plan, trees located in the southwestern area, and a portion of the southern most area of the site will be preserved, while those removed elsewhere on site to accommodate the site development will be replaced (See Exhibits 3 & 4). Also, any stormwater impacts generated by the site uses located within the proposed subdivision will have to be mitigated by the applicant. In accordance with previously approved STP2010-00027, stormwater management (SWM) for this new subdivision will be provided per the stormwater management concept approval letter dated March 2, 2010.

In accordance to the evidence and information provided the proposed subdivision will not be detrimental to the public welfare or injurious to property improvements in the neighborhood. The applicant has continued to work closely with staff to ensure that development complies with the City's Forest and Tree Preservation Ordinance, storm water management requirements, and all applicable Zoning Ordinance requirements.

There is no evidence that the subdivision as proposed will constitute a nuisance because of traffic or the number of people that will be generated by either the apartment building for seniors or the single family detached dwellings. As noted, the site uses will not generate greater than 30 peak hour trips and as such will have no substantive impact on site area roadways. The site is located within the Town Center Planning Area, which provides convenient access to shopping, dining, public and private services, and access to public and mass transportation.

**Be unsuitable for the type of development, the use contemplated, and available public utilities and services; or**

The proposed subdivision will accommodate the proposed senior housing facility and use of the five historic dwellings that will be retained. The lots being created under the subdivision proposal have been configured to accommodate the respective single-family detached and multi-family uses that will be located thereon. The uses will

adhere to applicable building setbacks, height limits, and other development standards of the Ordinance.

The Department of Public Works (DPW) has determined that the existing 8-inch sewer main in Monroe Street is adequate to provide necessary sewer service for this project as illustrated on the proposed subdivision plan. However the applicant will be required to upgrade the water main in Monroe Street between the two existing 8-inch mains at Fleet Street and the Courthouse Walk townhouse community. The subject property would be served from this upgraded water main in Monroe Street. Thus, with these noted improvements and/or upgrades, said public utilities and services will be suitable and adequate to serve the proposed subdivision and its land uses.

**Unreasonably disturb existing topography, in order to minimize stormwater runoff and to conserve the vegetation cover and soil.**

Throughout the processing of the site's special exception, the site plan, and preliminary subdivision applications, it has been acknowledged that a substantial amount of the existing forested area of the site will have to be removed to accommodate the land use as proposed. The applicant's proposed landscape and preliminary forest conservation plans denote that there will be significant replacement and replanting of trees and other vegetative materials, to ensure the site development complies with applicable requirements of the Forest and Tree Preservation Ordinance (See Exhibits 3 & 4).

As submitted, the subdivision plan is consistent with the project's forest conservation plan that was submitted with previously approved STP2010-00034. The project will retain forest to the break-even point, which is one half (0.86 acres) of the 1.73 acres of forest on site. This means there will not be a forest conservation-planting requirement for the project. Montgomery County as the property owner is required to record a Forest Conservation Easement (FCE) over the forest retained to ensure long-term protection for the trees. The FCE prohibits activities that would damage or injure the trees within the forest. The FCE will and must be shown on the project's final record plat.

The Minimum Tree Cover requirement for the MXT zone is 15% or 0.64 acres (27,815 square feet). The project will provide more than double the requirement by meeting forest conservation and significant tree replacement on site.



In accordance with City law, stormwater management (SWM) is required for all impervious area, new or existing. Stormwater management is required to be provided for all impervious area within the properties boundary of Maryland Avenue, Fleet Street, Monroe Street, and the unimproved Mount Vernon Place right-of-way (ROW). As per the SWM concept plan that was submitted and approved by the Department of Public Works on March 2, 2010, stormwater management is being provided on-site for the overall site. The concept plan proposes the use of Environmental Site Design (ESD) measures that include the following: landscaped infiltration, micro bio-retention areas, pervious paving, and dry wells. DPW staff have determined that the proposed subdivision and improvements located on the respective lots will not create uncontrolled stormwater runoff, due to the utilization of the varied SWM facilities and/or techniques that will be utilized.

#### **PUBLIC OUTREACH:**

On June 10, 2010, a total of 1,264 letters of notification were sent to property owners within a 1250 foot radius informing them of the application request, pending Planning Commission meeting, at which time the subdivision plan will be publicly heard and considered. A list of addressees, as submitted and provided by the applicant, to whom notices were sent/mailed is contained in the project's application file, available for public review. No public comment had been received by staff at the time of the writing of this staff report. An area meeting was not required for this application, nor was a public notification sign required to be post on the subject site.

#### **CONCLUSION:**

Based upon the findings presented, staff recommends that the Planning Commission approve Preliminary Subdivision Plan PLT2009-00498 subject to the conditions referenced on pages nine, ten, and eleven of this staff report.

#### **ATTACHMENTS**

List of attachments and exhibits:

Attachment "A" - STP2010-00034 Approval Letter

Exhibit "1" – Proposed Preliminary Subdivision Plan

Exhibit "2 " – Proposed Site Plan (STP2010-00034)

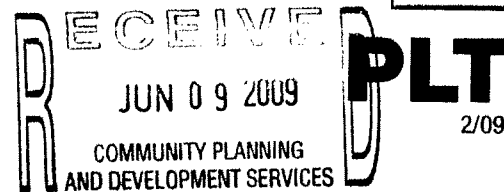
Exhibit "3 & 4" – Proposed Preliminary Forest Conservation Plan



Application for

# Subdivision Plan

Print Form



## City of Rockville

Department of Community Planning and Development Services

111 Maryland Avenue, Rockville, Maryland 20850

Phone: 240-314-8200 • Fax: 240-314-8210 • E-mail: [Cpds@rockvillemd.gov](mailto:Cpds@rockvillemd.gov) • Web site: [www.rockvillemd.gov](http://www.rockvillemd.gov)

Type of Application Subdivision Plan

Preliminary Plan ☒ Ownership Plat Book A Final Record Plat 56 Cluster Development ☐

### Please Print Clearly or Type

Property Address Information 209 Monroe Street, Rockville, MD 20850

Property Size (square feet) 151,197 sq.ft. Lot (S) Parts of Lots 1 through 13

Zoning MXT Tax Account (S) See Attached List

Proposed Subdivision Rockville Heights Lot Parts of Lots 1 through 13 Block 2

### Applicant Information:

Please supply Name, Address, Phone Number and E-mail Address

Applicant Victory Housing, Inc. | 5430 Grosvenor Lane, Bethesda, MD 20814 | 301-493-6000  
blackwell@victoryhousing.com.

Property Owner Montgomery County | 100 Maryland Ave. 4 Floor, Rockville, MD 20850 | 240-777-3600  
alisa.wilson@montgomerycountymd.gov

Architect Grimm + Parker Architects | 11720 Beltsville Dr., Suite 600, Calverton, MD 20705 | 301-595-1000  
lschutz@gparch.com

Engineer Macris, Hendricks & Glascock, PA | 9220 Wightman Rd, Suite 120, Montgomery Village, MD 20886 |  
301-670-0840 | mplitt@mhgpa.com

Attorney Miller, Miller & Canby | 200-B Monroe St., Rockville, MD 20850 | 301-762-5212 | slcho@mmcanby.com

### STAFF USE ONLY

#### Application Acceptance:

Application # PLT2009-00498  
Date Accepted 6/9/09  
Staff Contact CDC

OR

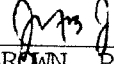
#### Application Intake:

Date Received 6/9/09  
Reviewed by TWT  
Date of Checklist Review \_\_\_\_\_  
Deemed Complete: Yes ☐ No ☐

Project Identification Victory Court

Application is hereby made with the City of Rockville Planning Commission for appeal of a Subdivision Plan for the property described on page 1.

**A letter of authorization from the owner must be submitted if this application is filed by anyone other than the owner.**  
I hereby certify that I have the authority to make this application, that the application is complete and correct and that I have read and understood all procedures for filing this application.

Please sign here  Pres.  
JIM BROWN, PRESIDENT, VICTORY HOUSING, INC.

**Comments on Submittal: (For Staff Use Only):**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attached hereto and made a part of this application, I submit the necessary plans, specifications and other data or explanatory material as required by the Subdivision Regulation (Chapter 25, Article XV). All applications must include the original mylar and six (6) prints, showing the following:

✓ **1. Surveyor's Certificate**

- a. Show all recordation of conveyance with dates.
- b. Establish pipes and monuments.
- c. Give area of street dedication in square feet and acreage.
- d. Plan is certified correct and is sealed by a Maryland registered surveyor.

✓ **2. Owner's Dedication**

- a. Owner adopts plan of subdivision.
- b. Dedicate all streets to public use and/or to public use and private maintenance.
- c. Grant land as shown on the subdivision plan to proper HOA entity, Mayor and Council, etc.
- d. Establish minimum building restriction lines.
- e. All necessary easements to be established by plat including PUE's, (with PUE recordation information), grading and slope easements, sidewalk/bike path/pedestrian easements, utility easements, ingress/egress easements, etc.

**Note:** SWM easements to be shown on subdivision plan and locations verified with maintenance agreement location sketch. Forest Conservation easements are also established by a separate document but location should be shown on plat.

✓ **3. Easements and Rights of Way**

- a. Show all existing easements.
- b. Abandon all unnecessary easements, rights of way by separate document, and reference on plat.
- c. Locations of new utilities or other public improvements outside of rights-of-way match locations of new easements being established or shown as future/recorded on plat.
- d. Establish 10 PEUs along all public roadways.

✓ **4. Datum and North Arrow**

- a. Datum to be NAD 83/91 for new subdivisions, WSSC, original plat datum or other approved datum.
- b. North Arrow is shown on plat with datum and scale (maximum scale is 1" = 100').
- c. Show three (3) property corner coordinate values per plat.
- d. Minimum of two (2) monuments per block.

✓ **5. Adjacent Parcels**

- a. Show all adjacent plat/deed and owner information.

✓ **6. General Plat Information**

- a. Show all proposed or previously dedicated street names, and right-of-way widths. Give recordation information if applicable.
- b. Show all curve and line data.
- c. Show all lot numbers, blocks, and lot areas.
- d. Show all parcel letters, blocks, and parcel areas.
- e. All information shown on title block is correct and consistent with any predetermined subdivision name.
- f. Certification block for Planning Commission and City Manager.

✓ **7. Plat of Corrections**

- a. For correction plats, all previous information to be corrected should be clearly identified as such (with the use of dashed lines, stippled numbers, etc.), and all new information to be established uses heavier line weights or other methods to clarify its intent.
- b. Final plat to be accompanied by digital submission (DWG or DXF format).

VICTORY HOUSING, INC.  
FLEET STREET

<u>Property Description</u>	<u>Tax I.D. No.</u>
Part of Lots 1 and 2, Block 2, assessed as 30,214 square feet, Rockville Heights, Plat Book A, Plat 56	4-225-205053
Part of Lot 3, Block 2, assessed as 15,210 square feet, Rockville Heights, Plat Book A, Plat 56	4-225-205042
Part of Lots 4 and 5, Block 2, assessed as 23,108 square feet, Rockville Heights, Plat Book A, Plat 56	4-225-204993
Part of Lots 6 through 13, Block 2, assessed as 42,034 square feet, Rockville Heights, Plat Book A, Plat 56	4-225-205007
Part of Lots 7, 9 and 11 through 13, Block 2, assessed as 57,111 square feet, Rockville Heights, Plat Book A, Plat 56	4-225-204947



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
*County Executive*

Richard Y. Nelson, Jr.  
*Director*

March 9, 2009

City of Rockville  
Department of Community Planning and Development Services  
111 Maryland Avenue  
Rockville, Maryland 20850

Re: Rockville Heights Subdivision, Block 2

To Whom It May Concern:

This letter confirms that Montgomery County hereby authorizes Victory Housing, Inc. to submit any and all necessary development applications to the City of Rockville for the development of a senior housing project on the County-owned property at Block 2 of the Rockville Heights Subdivision, excluding 101, 103, 105 and 107 Fleet Street and 150 Maryland Avenue.

Sincerely,

Richard Y. Nelson, Jr.  
Director

RYN:aaw

Rockville Housing MFT Housing Projects under Housing Dept. Review. County Letter to Rockville City.



City of Rockville  
111 Maryland Avenue  
Rockville, Maryland  
20850-2364  
www.rockvillemd.gov

Community Planning and  
Development Services  
210-311-8200  
TTY 210-311-8137  
FAX 210-311-8210

Historic Preservation Office  
210-311-8230

Inspection Services Division  
210-311-8240

Long Range Planning  
Division  
210-311-8200

Planning Division  
210-311-8220

Revitalization/Housing Division  
210-311-8200

MAYOR  
Phyllis Marcuccio

COUNCIL  
John B. Britton  
Piotr Gajewski  
Bridget Donnell Newton  
Mark Pierzchala

CITY MANAGER  
Scott Ullery

CITY CLERK  
Claire F. Funkhouser

CITY ATTORNEY  
Debra Yerg Daniel

## ATTACHMENT "A"

June 30, 2010

Victory Housing, Inc.  
c/o Jeff Blackwell  
5430 Grosvenor Lane, Suite 210  
Bethesda, Maryland 20814

Montgomery County Department of Housing  
& Community Affairs  
c/o Ms. Alisa Wilson  
100 Maryland Avenue, 4<sup>th</sup> Floor  
Rockville, Maryland 20850

Re: Site Plan STP2010-00034, Victory Housing, Inc.  
209 Monroe Street, Rockville, Maryland 20850

Dear Mr. Blackwell and Ms. Wilson:

At its June 23, 2010 meeting, the City of Rockville Planning Commission considered and voted to approve the referenced application and accompanying development proposal, subject to certain conditions. Commission approval, is in accordance with the Board of Appeals approval of Special Exception SPX2009-00378, which allows for the development of the subject property located at 209 Monroe Street for use and operation of a (86 unit) senior housing apartment building for independent elderly residents.

The building is residential in character and is designed in accordance with SPX2009-00378, having a roof height of 39 feet as measured from the street grade elevation of Monroe Street opposite the middle of the front of the building to the highest point of roof surface of the flat roof. The architect has designed the building with a façade reflective of a townhouse development, which attempts to break up the massing of this proposed multifamily building structure.

The exterior of the building will be constructed of materials which include but may not be limited to the following: manufactured stone siding, brick veneer, vinyl siding, prefab decorative columns, cast stone wall, and architectural grade roof shingles. The proposed building will be located somewhat in the center of the site, with vehicular access onto Monroe Street at two locations.

A total of 29 on-site parking spaces are required for the site use, i.e., one (1) space per each three (3) living units. In accordance with previously approved SPX2009-00378, a total of 52 on site parking spaces will be provided, i.e., 36 surface parking spaces and 16 located in the garage below the southeastern wing of the building. Site access to the garage spaces will be provided via the southern most site entrance proposed on Monroe Street.

The site contains a collection of deeded properties, owned by Montgomery County Government, located within the Rockville Heights subdivision. The properties collectively total 4.26 acres (185,435 square feet) and are zoned for Mixed Use Transition (MXT) land usage.

Because the project site is made up of a collection of deeded parcels with underlying record lots, the applicant was required to also file a preliminary subdivision plan PLT2009-00498 in order to subdivide the site as proposed. Under the preliminary subdivision plan, the County-owned properties that now make up the site project area would be re-subdivided into seven new record lots and two outlots, consistent with the lots illustrated on the proposed site plan. Upon approval of the site plan, the applicant must obtain preliminary subdivision plan approval, and final record plat approval in order to develop the site and create the lots as proposed.

Thus, based on information provided, the Planning Commission voted to approve the proposed site plan, subject to the following conditions:

1. The applicant must submit to the Chief of Planning nine (9) copies of the site and building plans revised to illustrate that all of the following site development concerns have been satisfactorily addressed:

a. Delete the note on site plan sheet #2 of 2 that states "Proposed improvements shown on Lots 1, 3, 4, 5, & 7 are illustrative and not included in the site plan."

Note, all of the proposed lots shown are components of the overall site plan and the existing and proposed improvements shown thereon have been reviewed in relationship to the planned development of the entire site.

b. Amend the second line in the title block on site plan sheet #1 of 2 to read as follows: Lots 1 through 7 & Out-lots A & B. Also correct the title at the top of the site plan sheet accordingly.

c. Correct note #7 of the site plan notes on plan sheet #1 of 2 to read as follows: A Special Exception (SPX2009-00378) was approved by the Board of Appeals for the proposed apartment building for independent elderly residents on January 19, 2010.

d. Shift/move the proposed side yard lot line located between Lots 3 & 4 to ensure that the dwelling located on Lot 4 is set back from its western side yard lot line a minimum of 10 feet.



- e. Shift/move the proposed side yard lot line located between Lots 4 & 5 to ensure that both lots can accommodate a ten-foot wide driveway.
- f. On site plan sheet #2 of 2, remove the reference that denotes a 2-foot lawn panel and 6-foot wide sidewalk along the site's Maryland Avenue frontage
- g. On site plan sheet #2 of 2, remove the reference that denotes an 8-foot wide sidewalk along the site's Fleet Street frontage, and remove any portion of the sidewalk shown as an encroachment onto adjacent property.
- h. The property owner must obtain approval from the Chief of Inspection Services prior to occupancy and/or formal use of any of the homes located within the site's historic district.
- i. Proposed site lighting shall be installed so as to not create glare or light spillage onto neighboring properties or abutting public street rights-of-way. A site lighting plan must be submitted for staff review and approval prior to the issuance of occupancy permits. Note, proposed site lighting must be provided in accordance the requirements of the Landscaping, Screening and Lighting Manual.
- j. Proposed site development must be implemented in substantial accordance with site development and building plans submitted by Macris, Hendricks & Glascock, P.A. and Grimm Parker Architects respectively.
- k. Proposed site development must be implemented in accordance with previously approved Special Exception SPX2009-00378 and all conditions of approval as imposed by the Board of Appeals in its decision of Approval of January 19, 2010.

2. The Department of Public Works (DPW) requires the following information be provided and/or action taken:

- a. Submission, for the review and approval of the Department of Public Works (DPW), of the following detailed engineering plans, studies and supporting computations as well as appropriate check-lists and permit applications:
  - i) Sediment control plans for all disturbed areas;
  - ii) Stormwater Management (SWM) plans;

iii) Public improvement plans, including but not limited to storm drain systems, streets, streetscape and sidewalks for public use, signage and marking, water and sewer systems, maintenance of traffic and street lighting.

All detailed engineering plans must be submitted on 24" x 36" sheets, at 1"=30' scale or as approved by the Department of Public Works.

b. Stormwater management for the property shall be in compliance with the SWM concept approval letter dated March 2, 2010, as may be amended by DPW.

c. Post bonds and obtain permits from the Department of Public Works (DPW) for public improvements, stormwater management and sediment control.

d. Below grade excavation shall be dewatered per DPW sediment control requirements to an acceptable outfall during construction.

e. Comply with all conditions of the DPW Water and Sewer Authorization letter dated June 3, 2010, as may be amended by DPW.

f. The applicant shall submit for review and approval by DPW, a phasing plan for pedestrian access, construction access, staging and parking. A pedestrian access plan for the construction period shall include, but not be limited to, the methods of maintaining pedestrian safety and access on the existing sidewalks, temporary closing of sidewalks for work in the streetscape zone, and pedestrian detours, as well as efforts to minimize closure of sidewalks. This plan shall be approved prior to issuance of the DPW permit.

g. The utility and light pole adjacent to the proposed driveway for Lot 7 must be removed or relocated to provide 5-foot safe clearance.

h. Improvements to Out-lot A and B, and Lots 1, 3, 4, 5, 6 and 7 must be fully implemented prior to the occupancy of Lot 2. These improvements include the driveways, stormwater management elements, landscaping, pavement removal/restoration, utility and light pole modifications, fencing, emergency access, and water meter relocations. In the event that occupancy of one or more of the individual single family lots is sought prior to the occupancy of Lot 2, then DPW will only require improvements applicable to the lot prior to the occupancy of the said single lot. DPW may modify the improvements so that they can be implemented on a single lot basis.

- i. An agreement or easement in a form acceptable to the City Attorney must be recorded to allow storm drainpipe connections from the single-family lots into the Lot 2 storm drain system.
- j. The proposed easement (storm drain, stormwater management and forestry) locations shall be consistent with the detailed engineering plans and final forest conservation plan.
- k. All easements must be reviewed and approved by the City Attorney and recorded prior to DPW permit issuance.
- l. Localized grading and storm drain appurtenances (two inlets and pipes) on the Courts of Towne Center Homeowners Association property, within the abandoned Mount Vernon Place ROW, must be coordinated with the property owner and approved by the City Forester and Public Works.
- m. The two proposed inlets within the abandoned Mount Vernon Place right-of-way may be removed or relocated based on discussions between the property owner of Courthouse Walk and the applicant (Victory Housing Inc.).
- n. All internal traffic control devices (i.e. signs, marking and devices placed on, over or adjacent to a roadway or pathway) to regulate, warn or guide pedestrians and/or vehicular traffic shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). The signing and pavement marking plans shall be submitted to DPW and approved by the Chief, Traffic and Transportation Division. (This plan shall be approved and included in the signature set.)
- o. The applicant shall provide 1 bicycle rack (2 short-term spaces) and 1 bicycle locker (2 long-term spaces). A locked bicycle room with racks or a covered locked cage is required for long-term storage. Short-term spaces are considered to be an inverted "U" bicycle rack and must be spaced four feet apart. These spaces shall be provided at a safe and secure location approved by DPW during the detailed engineering stage. Bike lockers and racks must be installed prior to issuance of the occupancy permit.
- p. The sidewalks along Maryland Avenue and Fleet and Monroe Streets shall be constructed and installed per the City Code requirements prior to issuance of the occupancy permit.
- q. A vehicular turnaround in the private driveway for lot 1 is required to provide safe ingress/egress to Maryland Avenue.

3. The City Forester requires the following:

a. Submit for review and approval the Final Forest Conservation Plan (FCP).

1. The Final FCP shall be based on the Preliminary FCP and provide tree planting consistent with the Preliminary FCP.

2. The Final FCP will be reviewed concurrently with the detailed engineering drawings that are submitted to the Department of Public Works.

i. All improvements required by the Department of Public Works must be shown on the Final FCP.

ii. Any additional trees that require replacement under the FTPO must be planted on site.

3. All trees shown on the Final FCP must be installed by the date requirements of the FTPO.

i. The areas where driveway removal is occurring on the historic lots must be tilled to a depth of 18" with topsoil prior to tree planting.

4. The Landscape Plan shall match the landscaping shown on the Final FCP.

b. The initial non-native and invasive plant removal and evergreen tree planting must be completed no later than 6 months after issuance of the Occupancy permit for the senior housing facility. After the initial non-native and invasive plant removal and tree planting, the City Forester may require the applicant to plant up to 12 additional evergreen trees and 60 shrubs to supplement the screening between the properties.

c. Obtain a Forestry permit from the City Forester prior to release of the Building permit.

4. The applicant must submit a final record plat for Planning Commission review and approval. Note, the final record plat must be in substantial accordance with the project's Site Plan STP2010-00034 and Preliminary Subdivision Plan PLT2009-00498.

5. The applicant shall comply with the City's Publicly Accessible Art in Private Development Ordinance. Applicant must provide a completed application and any additional information requirement prior to issuance of a building permit and fulfill the art requirement prior to issuance of an occupancy permit. Any market rate units are subject to the ordinance

In accordance with Section 25.07.01.a.3. of the Zoning Ordinance, the Planning Commission's approval of the site plan was based on the following findings, which were supported by the testimony and evidence in the record:

1. *The proposed development will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed site use.* The proposed apartment building for independent elderly residents will serve as a transitional land use between the City and County governmental uses to the north and northwest, the office and single family detached dwellings to the east and southeast, the attached single family dwellings (town homes) to the south, and single family detached dwellings to the west and southwest.

Based on the Transportation Report that was submitted with the special exception request, the proposed site use will not generate greater than thirty (30) peak hour vehicle trips, hence the applicant is only required to do a formal on-site analysis. The trip generation rate for the proposed elderly housing facility and historic dwellings is lower than the trip generation of a number of other permitted uses that could be located on this 4.26-acre site.

As illustrated on the site's forest conservation plan, trees located in the southwestern area and a portion of the southern most area of the site will be preserved, while those removed elsewhere on site to accommodate the site development will be replaced. Also, any stormwater impacts generated by the site development will have to be mitigated by the applicant and addressed in accordance with the stormwater management concept approval letter dated March 2, 2010, as issued by the Department of Public Works (DPW).

2. *Based on the information and testimony provided, it was the determination of the Commission that the planned site development would not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.* At this stage in the development review process, the applicant has addressed staff concerns, ensuring that the proposed site development complies with the City's Forest and Tree Preservation Ordinance, stormwater management requirements, and all applicable Zoning Ordinance requirements.

In its consideration of the proposal, the Commission was not presented with any evidence that the use as proposed will constitute a nuisance because of traffic or the number of people that would reside or be employed by the site use. As noted in the traffic assessment that was submitted with the development proposal, the use will not generate greater than 30 peak hour trips. The site is located within the Town Center Planning Area, which provides convenient access to shopping, dining, public and private services, and access to public and mass transportation.

Since the facility is being designed for independent seniors, the applicant affirmed that a number of residents will maintain and have use of their personal vehicles on site. For those who have use of a private vehicle, it is highly likely they will use their automobiles for their travel needs. Other residents, dependent upon their health and physical abilities, will likely be more reliant upon public transportation or family and friends for their travel needs. However, based on all available information the Commission found no evidence the proposed senior housing facility would generate excessive noise or physical activity deemed to be a nuisance or harmful to the community or surrounding land uses.

Commission Chair, David Hill asked both staff and the applicant about the 52 parking spaces being provided and the assessment that the site use would not generate more than 30 peak hour trips. It was noted that the projected trip generation rates are based rates as established by the Institute of Traffic Engineers for similar land uses and as such not based on parking requirements, which are based on Zoning Ordinance requirements. It was further noted that since many, if not most of the persons who would reside in this senior apartment building, will not be employed and unlikely to require the use of a vehicle to commute to and from work during the a.m. and p.m. peak travel hours.

*3. The use as proposed will not overburden existing and programmed public facilities as set forth in Article 20 of the Zoning Ordinance and as provided in the adopted Adequate Public Facilities Standards.* In accordance with Section 25.20.02.b. of the Ordinance, public facilities and services that are examined for adequacy include, but not necessarily limited to roads and public transportation facilities, sewerage and water service, schools, and fire and emergency service protection. Certain classes of land uses are deemed to have little or no impact on some or all public facilities. The proposed site use, i.e., Housing for the Elderly and Physically Handicapped, or for other age-restricted residential uses, is one such use eligible for a waiver from the APFO requirements. As such, the deciding body (i.e., the Board of Appeals) in its consideration of SPX2009-00378 was authorized to waive full compliance with the APFO provisions, if it found there would be minimal adverse impact resulting from such a waiver. However, such a waiver did not exclude the project from the final adequacy check for water and sewer service, in that it was needed for the project.

Thus, the Board of Appeals granted a waiver to the APFO requirements pertaining to public school capacity, since no children will reside at the proposed senior housing facility. However, staff noted that the site use was not exempt from the adequacy check for water and sewer services. As such, the Department of Public Works (DPW) has determined that the existing 8-inch sewer main in Monroe Street is adequate to provide necessary sewer service for this project. However the applicant will be required to upgrade the water main in Monroe Street between the two existing 8-inch mains at Fleet Street and the Courthouse Walk townhouse community. The subject property would be served from this upgraded water main in Monroe Street. Thus, with these noted improvements and/or upgrades the proposed site use is not expected to overburden said public facilities within the site area.

While there were some questions raised by the Commission with regard to project trip generation rates, the Commission concurred with staff's assessment that the proposed use will not generate greater than thirty (30) peak hour vehicle trips and as such, will not substantively alter or change vehicular traffic flow movements in and around the site area. The use will have vehicular access onto Monroe Street, with restricted access onto Maryland Avenue, that can be used only by emergency equipment, i.e., fire and rescue services.

4. *The proposed apartment building for independent elderly residents would not adversely affect the natural resources or environment of the City.* The proposed site development will require the applicant to plant and install trees and other plantings, thus serving to enhance the natural environment of the site area. The applicant's proposed landscape and preliminary forest conservation plans denote that there will be significant replacement and replanting of trees and other vegetative materials, to ensure the site development complies with applicable requirements of the Forest and Tree Preservation Ordinance.

The Commission was not presented with any evidence that the use will be contrary or adversely impact the surrounding natural environment. The use as planned will not produce or emit any toxic fumes or gases, objectionable levels of noise, impede sunlight or the natural flow of air within the subject site area.

5. *The proposed development does not conflict with the City's Master Plan or constitute a violation of any provision of the Zoning Ordinance.* As per Section 25.13.02 of the Zoning Ordinance, the MXT Zone is "intended for areas that are located between moderate or high-density development and single unit detached residential neighborhoods." As such, land uses that are permitted by right and/or by special exception in the MXT Zone are deemed to be transitional land uses that are

allowed to be located between single family residential detached and attached dwellings, office, institutional and other limited commercial land uses.

It was the determination of the Board of Appeals in its granting of SPX2009-00378 that the proposed use of the subject property for multifamily residential development was and is consistent with the intent of the Master Plan's land use designation of the site. Lastly, it is important to note that in accordance with Section 25.15.01.a.2.(a) of the Zoning Ordinance, one of the many findings that the Board of Appeals is required make in its consideration for approving a special exception is that "*the proposed use does not adversely affect the Master Plan, Zoning Ordinance, or any other applicable law.*" Thus, based on all of the information and evidence as provided the Commission acknowledged and concurred with said assessment.

The site plan was submitted in accordance with previously approved SPX2009-00378 and based on the plans as submitted, the development application is not in violation of any provision of the Zoning Ordinance or other applicable law. The site use complies with applicable building setback requirements, the 39 foot building height limit as allowed by the Board of Appeals, site lot coverage, and parking requirements.

6. *Lastly, the Commission found that the proposed site use and development to be compatible with surrounding land uses and other properties within the site area.* As previously noted, the site is bounded to the west and north by City and County governmental land uses, to the east by office and single-family detached dwellings, and south by single family attached dwellings. Due to their site placement along Fleet Street and Maryland Avenue, the site's historic district homes coupled with the planned site use will serve as a transition between the site and the City and County governmental land uses located to the north and northwest, and the residential attached dwellings (i.e., town-homes) to the south. Based on the range of land uses, i.e., governmental, institutional, office, residential, etc., that are located within the immediate site area, the proposed establishment of the senior housing facility would not be structurally incompatible with surrounding uses nor would it change the character of the neighborhood, with regard to the type and level of services that are currently required and/or is being provided within the site area.

The proposed apartment building for elderly residents will be located well over 100 feet from the closest residential dwelling to the south or southeast of the subject property. In accordance with the Board of Appeals approval of SPX2009-00378, the building will be approximately 39 feet in height as measured from the street grade elevation for Monroe Street opposite the middle of the front of the building to the highest point of roof surface of the flat roof. The building will be 4 feet in excess of the 35-foot height limit allowed in the MXT Zone, and the RMD-10 (Residential Medium Density) zone of the neighboring Courthouse Walk town homes, due to the

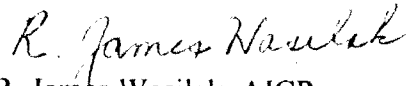


Jeff Blackwell  
Alisa Wilson  
Site Plan STP2010-00027  
Page 11  
June 30, 2010

height waiver granted by the Board of Appeals. The proposed building has been redesigned to more closely resemble townhomes.

Section 25.07.07 of the Ordinance requires **construction or operation of the proposed site use must commence within two (2) years of the effective date of the Commission's approval, unless another time frame is provided by the Ordinance, or by the terms of the approval.** However, if the applicant can show good cause, the Planning Commission may grant a total of two (2) time extensions, each not to exceed six (6) months for any prior approval subject to the provisions of Section 25.05.08 of the Ordinance. The Planning Commission may require as a condition of approval of an extension that the applicant submit a periodic progress report to the Chief of Planning detailing efforts undertaken to implement the site plan approval.

By Direction of the City of Rockville  
Planning Commission

  
R. James Wasilak, AICP  
Chief of Planning

/cdc  
cc:

Board of Appeals  
Planning Commission  
Charles Baker, Chief of Inspection Services  
Elise Cary, Assistant City Forester – R&P  
Cas Chasten, Planner III - CPDS  
Soo Lee-Cho, Miller, Miller & Canby  
Debra Yerg- Daniels, City Attorney  
John Hollida, Civil Engineer II - DPW  
Jody Kline, Miller, Miller & Canby  
Bobby Ray, Principal Planner - CPDS  
Matt Shanks, Fire Marshall - ISD  
Rebecca Torma, Transportation Planner II - DPW  
Cynthia Walters, Assistant City Attorney  
Marcy Waxman, Assistant City Attorney  
Mark Wessel, Civil Engineer III – DPW  
Robin Ziek, Historic Preservation Planner - CPDS

***P.S. The applicant must read, sign, and return a copy of the statement of acknowledgement listed below.***

Note: Building permits will be issued only when all of the noted conditions of approval have been met/satisfied and a copy of the following acknowledgement has been signed/executed by the applicant and returned to the City's Community Planning Division's office. The applicant is advised that the Commission's approval does not constitute approval by any agency having jurisdiction over the site uses or proposed site development.

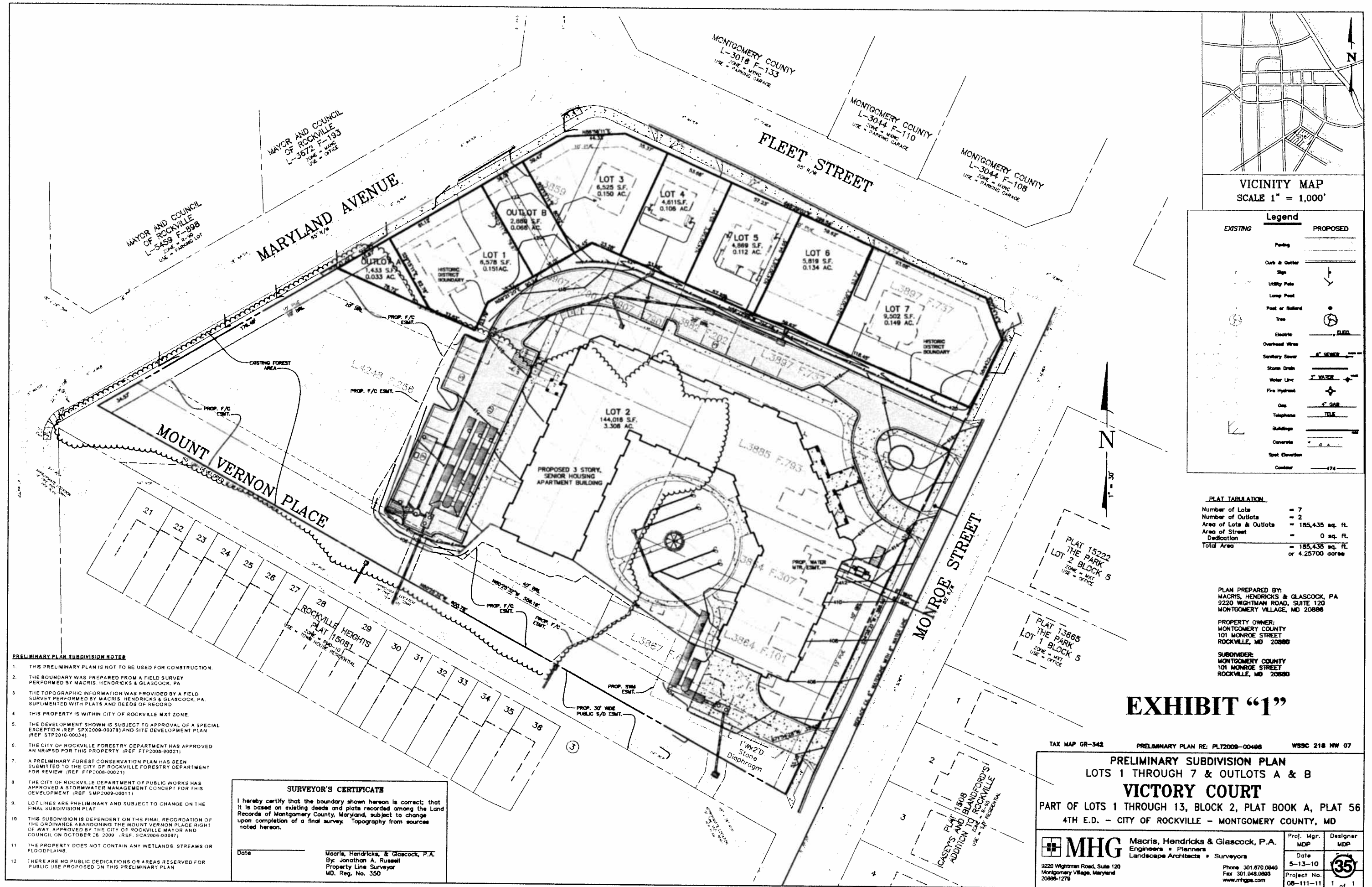
**I ACKNOWLEDGE RECEIPT OF SITE PLAN STP2010-00034 AND AGREE TO FULLY COMPLY WITH ALL CONDITIONS UPON WHICH APPROVAL WAS GRANTED. I FURTHER ACKNOWLEDGE THAT FAILURE TO COMPLY WITH THESE CONDITIONS MAY CAUSE APPROVAL TO BE REVOKED BY THE PLANNING COMMISSION.**

---

(Applicant's Signature)

---

(Please Print – Applicant's Name)



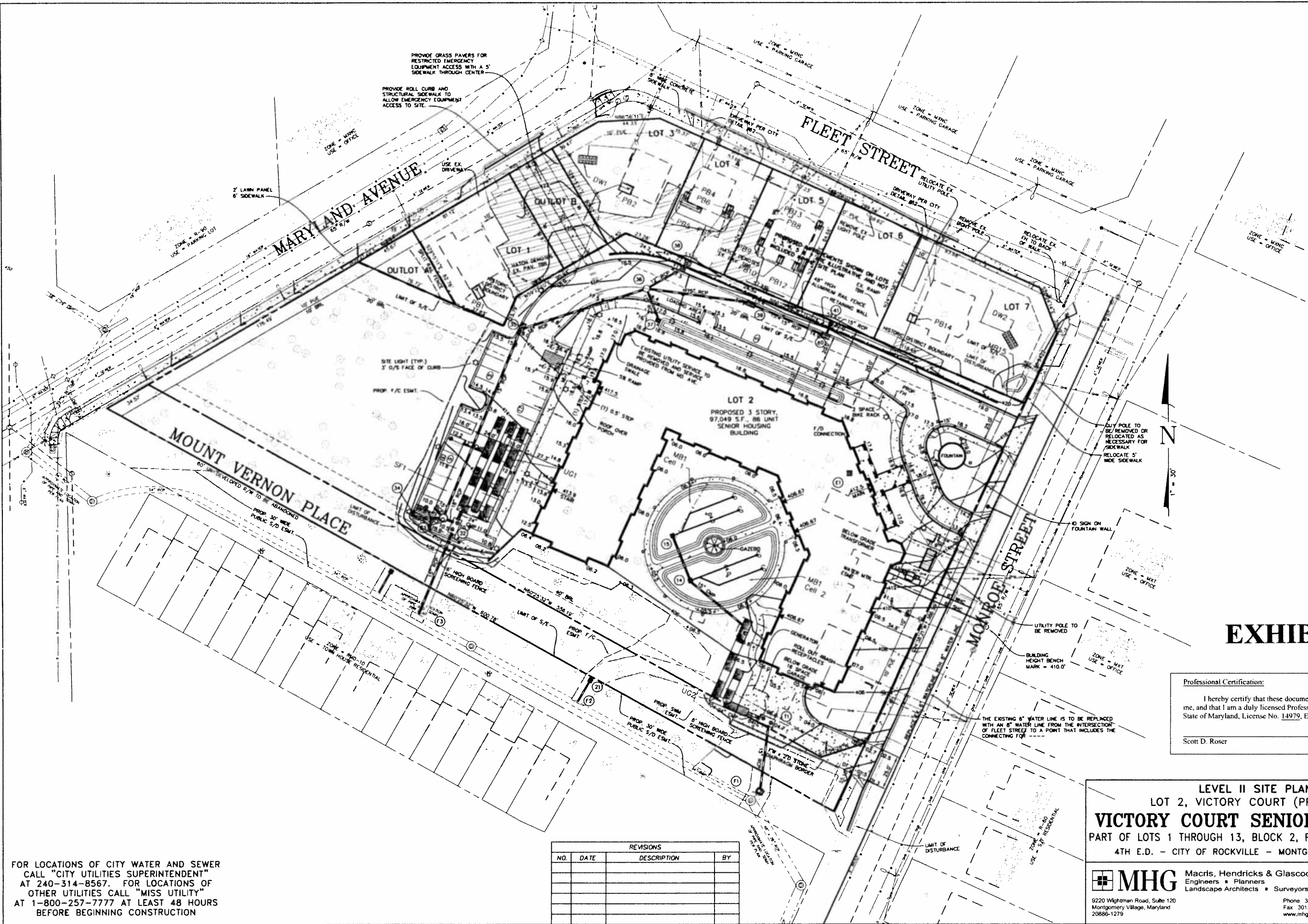


EXHIBIT "2"

Professional Certification:

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland, License No. 14979, Expiration Date: 7-02-10

Scott D. Roser

LEVEL II SITE PLAN  
LOT 2, VICTORY COURT (PROPOSED)  
**VICTORY COURT SENIORS HOUSING**  
PART OF LOTS 1 THROUGH 13, BLOCK 2, PLAT BOOK A, PLAT 56  
4TH E.D. - CITY OF ROCKVILLE - MONTGOMERY COUNTY, MD

SP-2



Macris, Hendricks & Glascock, P.A.  
Engineers ■ Planners  
Landscape Architects ■ Surveyors  
9220 Wightman Road, Suite 120  
Montgomery Village, Maryland  
20886-1279

Proj. Mgr.  
MDP

Designr  
MDP

Date  
5-14-10

Scale  
1" = 30'

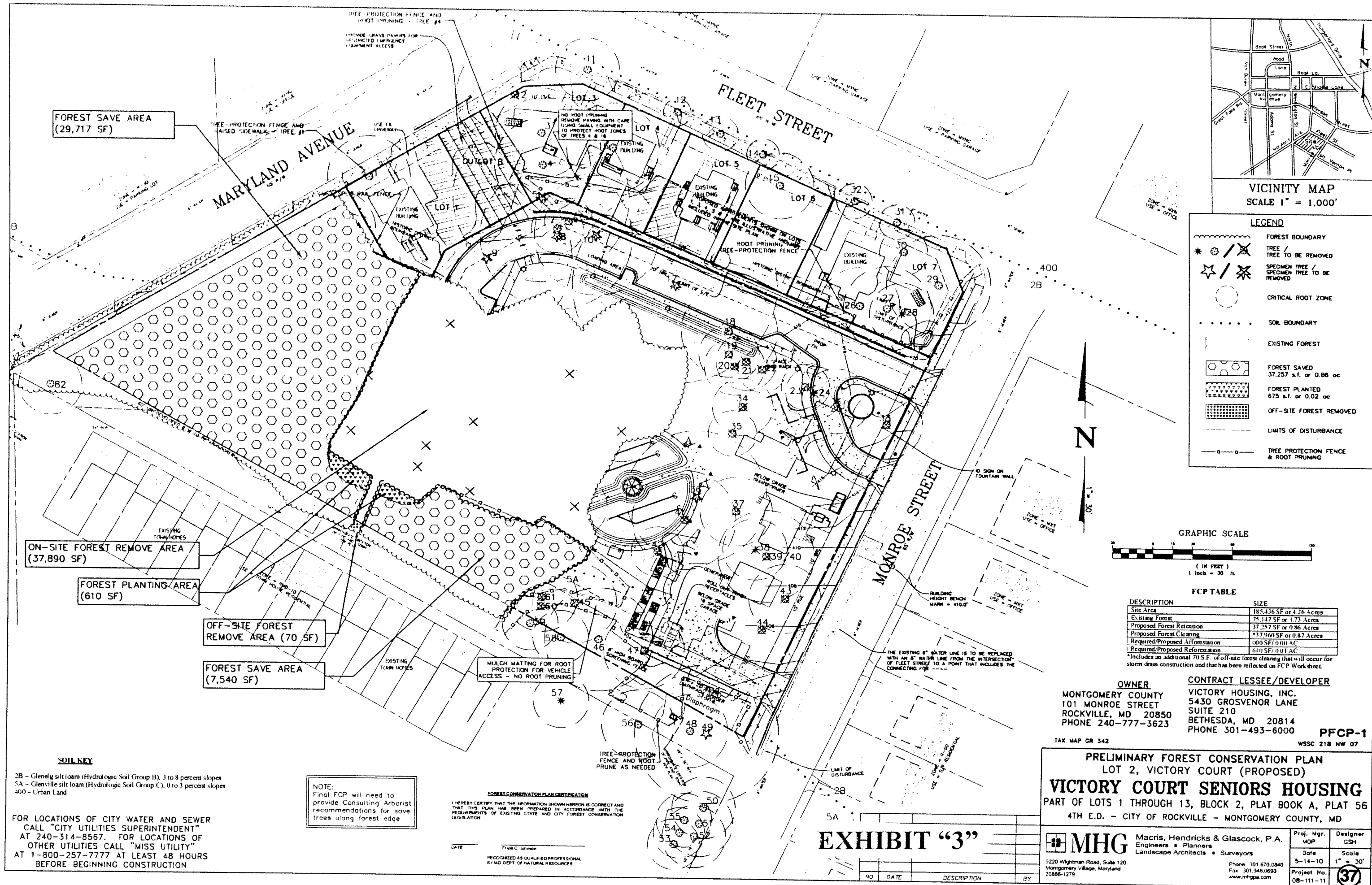
Project No.  
08-111-11



FOR LOCATIONS OF CITY WATER AND SEWER  
CALL "CITY UTILITIES SUPERINTENDENT"  
AT 240-314-8567. FOR LOCATIONS OF  
OTHER UTILITIES CALL "MISS UTILITY"  
AT 1-800-257-7777 AT LEAST 48 HOURS  
BEFORE BEGINNING CONSTRUCTION

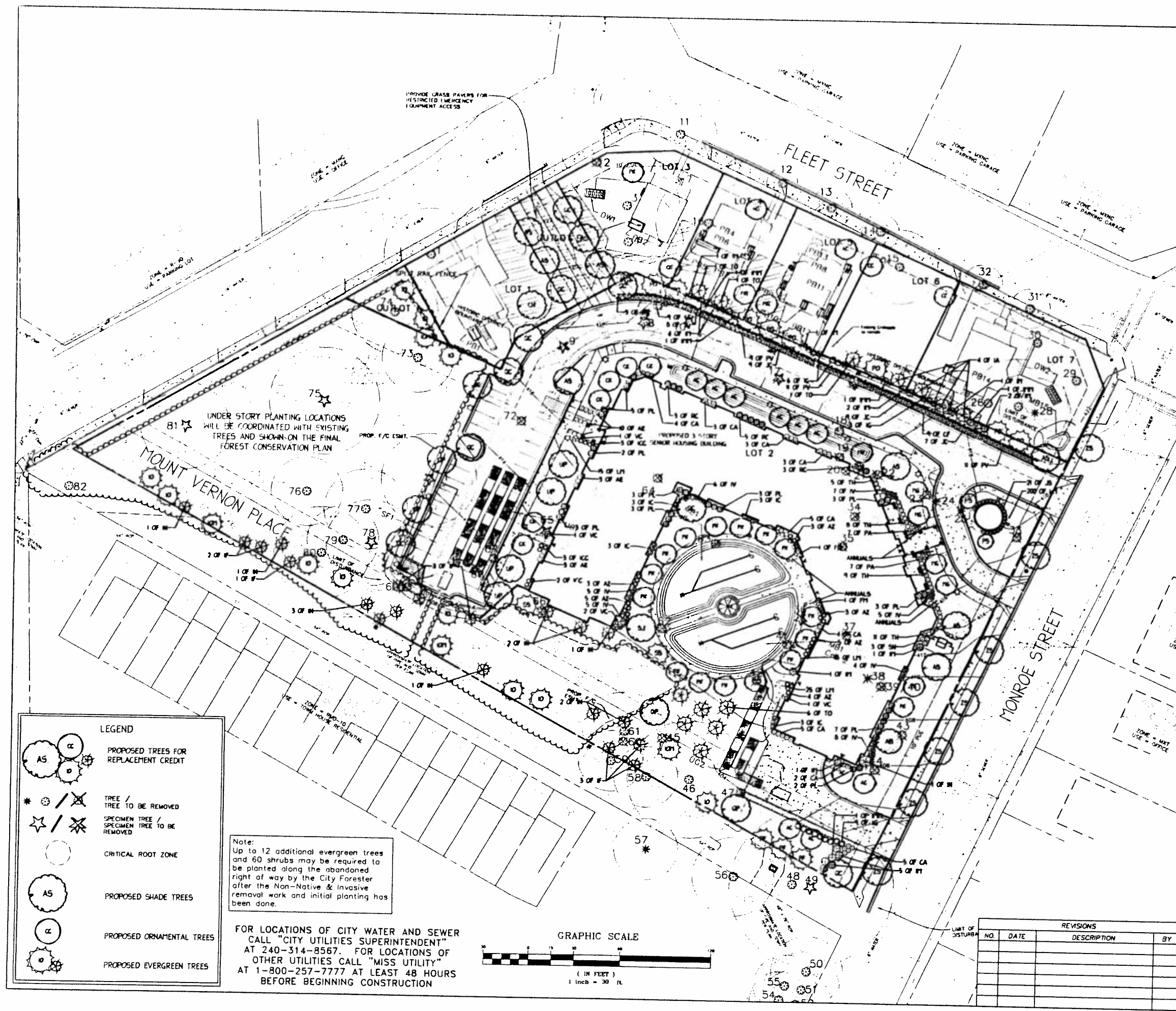
REVISIONS			
NO.	DATE	DESCRIPTION	BY

I:\081110\FC\_11\_01.dwg, 24 X 36 PFCP 1 of 3, 5/14/2010 11:41:27 AM, Copyright 2008 Macris, Hendricks & Glascock, P.A.





008111000 FC\_11\_02.dwg, 24 x 36 PFCP 2 OF 3, 5/14/2010 11:41:42 AM, Copyright 2008 Macris, Hendricks & Glascock, P.A.



TREE REPLACEMENT PLANT LIST									
NATIVE TREES									
	QTY	SIZE	PLANT	PLANT	PLANT	PLANT	PLANT	PLANT	PLANT
EVERGREEN TREES									
	QTY	SIZE	PLANT	PLANT	PLANT	PLANT	PLANT	PLANT	PLANT
DECIDUOUS TREES									
	QTY	SIZE	PLANT	PLANT	PLANT	PLANT	PLANT	PLANT	PLANT
TOTAL REPLACEMENTS									

## EXHIBIT "4"

**FOREST CONSERVATION PLAN CERTIFICATION**  
I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT AND THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF EXISTING STATE AND CITY FOREST CONSERVATION LEGISLATION.

DATE \_\_\_\_\_  
Frank C. Johnson  
RECOGNIZED AS QUALIFIED PROFESSIONAL  
BY MD DEPT OF NATURAL RESOURCES

PFCP-2

**PRELIMINARY FOREST CONSERVATION PLAN**  
**LOT 2, VICTORY COURT (PROPOSED)**  
**VICTORY COURT SENIORS HOUSING**  
PART OF LOTS 1 THROUGH 13, BLOCK 2, PLAT BOOK A, PLAT 56  
4TH E.D. - CITY OF ROCKVILLE - MONTGOMERY COUNTY, MD

<b>MHG</b> Macris, Hendricks & Glascock, P.A. Engineers • Planners Landscape Architects • Surveyors 9220 Wighman Road, Suite 120 Montgomery Village, Maryland 20886-1279 Phone 301.670.0840 Fax 301.948.0693 www.mhga.com	Proj. Mgr. MDP Designer GSH Date 5-1-10 Scale 1" = 30' Project 08-111-111 Sheet 2 of 3
--	---

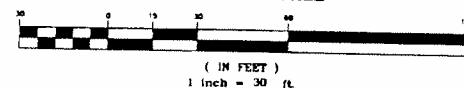
### LEGEND

- PROPOSED TREES FOR REPLACEMENT CREDIT
- TREE / TREE TO BE REMOVED
- SPECIMEN TREE / SPECIMEN TREE TO BE REMOVED
- CRITICAL ROOT ZONE
- PROPOSED SHADE TREES
- PROPOSED ORNAMENTAL TREES
- PROPOSED EVERGREEN TREES

Note:  
Up to 12 additional evergreen trees and 60 shrubs may be required to be planted along the abandoned right of way by the City Forester after the Non-Native & Invasive removal work and initial planting has been done.

FOR LOCATIONS OF CITY WATER AND SEWER CALL "CITY UTILITIES SUPERINTENDENT" AT 240-314-8567. FOR LOCATIONS OF OTHER UTILITIES CALL "MISS UTILITY" AT 1-800-257-7777 AT LEAST 48 HOURS BEFORE BEGINNING CONSTRUCTION

### GRAPHIC SCALE



REVISIONS			
NO.	DATE	DESCRIPTION	BY